

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

SVB FINANCIAL TRUST,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER FOR
SILICON VALLEY BANK, et al.,

Defendants.

Case No. 24-cv-01321-BLF

SVB FINANCIAL TRUST,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION,

Defendant.

Case No. 23-cv-06543-BLF

ORDER CONSOLIDATING CASES

[Re: ECF No. 141]

The Court has related *SVB Financial Trust v. Federal Deposit Insurance Corporation*, in its corporate capacity, No. 5:23-cv-06543-BLF (the “FDIC-C Action”) and *SVB Financial Trust v. Federal Deposit Insurance Corporation, as Receiver for Silicon Valley Bank and Silicon Valley Bridge Bank, N.A.*, No. 5:24-cv-01321-BLF (the “FDIC-R Action”). See FDIC-C Action, ECF 38. Both actions are now assigned to the undersigned Judge. On February 6, 2025, the Court ordered coordinated discovery and set hearings for motions for summary judgment on February 5, 2026, for both actions. See FDIC-R Action, ECF 157.

Before the Court is SVB Financial Trust’s (“Trust”) motion to consolidate the FDIC-C Action and the FDIC-R Action. See FDIC-R Action, ECF 141. The FDIC-C and the FDIC-Rs oppose. See *id.* at ECF 151, 154. The Trust filed a reply. See *id.* at ECF 159. The Court finds the

1 motion appropriate for disposition without oral argument, and hereby VACATES the hearing on
2 this motion scheduled for May 1, 2025. *See* Civ. L.R. 7-1(b). The hearing on the Trust’s motion to
3 strike, FDIC-R Action at ECF 160, remains set on May 1, 2025.

4 For the reasons stated below, the Court GRANTS the motion.

5 **I. LEGAL STANDARD**

6 “If actions before the court involve a common question of law or fact, the court may . . .
7 consolidate the actions.” Fed. R. Civ. P. 42(a)(2). District courts have “broad discretion under [Rule
8 42(a)] to consolidate cases pending in the same district.” *Investors Research Co. v. U.S. Dist. Court*
9 *for Cent. Dist. of California*, 877 F.2d 777, 777 (9th Cir. 1989). “In determining whether or not to
10 consolidate cases, the Court should weigh the interest of judicial convenience against the potential
11 for delay, confusion and prejudice.” *Bodri v. Gopro, Inc.*, 2016 WL 1718217, at *1 (N.D. Cal. Apr.
12 28, 2016) (quotation marks omitted) (quoting *Zhu v. UCBH Holdings, Inc.*, 682 F.Supp.2d 1049,
13 1052 (N.D. Cal. 2010)).

14 **II. DISCUSSION**

15 The FDIC-C Action and the FDIC-R Action, both pending before the Court, present similar
16 factual and legal issues, as they each involve the same series of events and underlying facts and are
17 based on the same alleged wrongful conduct. *Compare* FDIC-R Action, ECF 1 *with* FDIC-C Action,
18 ECF 92. Specifically, the Trust in both actions alleges that FDIC did not have the authority to deny
19 the Trust access to its deposits (“Account Funds”) at Silicon Valley Bank (“SVB”) in light of the
20 invocation the Systemic Risk Exception in the aftermath of SVB’s collapse. *See, e.g.*, FDIC-R
21 Action, ECF 1 at ¶ 47; FDIC-C Action, ECF 92 at ¶ 6. In both actions, the Trust seeks access to its
22 Account Funds. *See* FDIC-R Action, ECF 1 at 56; FDIC-C Action, ECF 92 at 50. Because both
23 actions arise from the same nucleus of operative facts, allege similar wrongful conduct, involve
24 overlapping factual and legal issues, and seek similar remedies, the Court finds that consolidation
25 will conserve judicial resources, mitigate confusion, and reduce the time and cost of trying the cases
26 separately. The Court hereby GRANTS the Trust’s motion to consolidate the FDIC-C Action and
27 the FDIC-R Action.

28 In making this determination, the Court is not considering whether, at trial, the issues

asserted in the operative complaints should be tried along with the counterclaims. The Court must first consider whether the counterclaims survive the pending motion to strike. *See* FDIC-R Action, ECF 160. If those claims survive, the Court will discuss with the parties the proper ordering of the issues to be presented at trial.

III. ORDER

For the foregoing reasons, IT IS HEREBY ORDERED that:

1. Pursuant to Fed. R. Civ. P. 42(a), the above captioned *SVB Financial Trust v. Federal Deposit Insurance Corporation, in its corporate capacity*, No. 5:23-cv-06543-BLF and *SVB Financial Trust v. Federal Deposit Insurance Corporation, as Receiver for Silicon Valley Bank and Silicon Valley Bridge Bank, N.A.*, No. 5:24-cv-01321-BLF are CONSOLIDATED for all purposes.
2. NO consolidated complaint SHALL be filed and both actions will remain open. The parties SHALL continue to file documents in each case separately.
3. The Court hereby RESETS the pre-trial conference in the consolidated action to **May 7, 2026 at 1:30 P.M. PT.**
4. The Court hereby SETS trial in the consolidate action to begin on **July 13, 2026.**

Dated: February 21, 2025


BETH LABSON FREEMAN
United States District Judge